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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,591	07/25/2001	P. Christopher J. Gallagher	38123-152966	8700
37311	7590	01/17/2007	EXAMINER	
LORETTA F. SMITH			VAN BRAMER, JOHN W	
35 SOUTH WHITE HORSE PIKE #207			ART UNIT	PAPER NUMBER
AUDUBON, NJ 08106			3622	
MAIL DATE		DELIVERY MODE		
01/17/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplement*

**Notice of Allowability**

Application No.	Applicant(s)	
09/912,591	GALLAGHER, P. CHRISTOPHER J.	
Examiner	Art Unit	
John Van Bramer	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Supplemental Amendment filed September 14, 2006.
2.  The allowed claim(s) is/are 1,3-9,11,15-17,19-34,37,39-46,53-62,64-69,72,74-77,79-81,83-86,88,90,91,93-98,100-106,108,112-114,116-122,124-131,134,136,137,140,142-144,146 and 148.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE..

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Eric W. Stamber*

ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

**EXAMINER'S AMENDMENT**

1. This supplemental Notice of Allowance is to rectify dependency issues present in the original Notice of Allowance dated September 28, 2006
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Loretta Smith on December 21, 2006.

3. The application has been amended as follows:
  - a. Claim 83 (Renumbered to Claim 62) has been changed to depend on Claim 81 (Renumbered to Claim 61)
  - b. Claim 94 (Renumbered to Claim 70) has been changed to depend on Claim 91 (Renumbered to Claim 68).
4. The following is an examiner's statement of reasons for allowance: Prior art was found which discloses the use of stocks or other investment vehicles in an incentive award program (Kalina: U.S. Patent Number: 6,243,688). This reference encompasses investment vehicles that are equity in the incentive program itself, since it is understood that common stock can be issued in an entity whose sole purpose is the administration of an incentive program. Additionally, the Kalina

reference covers investment vehicles created by carving out portions of on ongoing business entity and issuing stock said carved out portion of the business entity since this is a well known financing operation. Additionally, the applicant has admitted that the formula provided in the claims is well known.

However, prior art was not found that discloses the use of the formula as a distribution mechanism for either common stock or an incentive program when a customer first chooses the incentive option that is equity in the equity program itself and then receives the incentive award based upon the formula as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jvb